

quinn emanuel trial lawyers | new york

51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 FAX (212) 849-7100

January 7, 2022

VIA ECF

Hon. Lewis A. Kaplan
United States District Court for the Southern
District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, New York, NY 10007

Re: Edmar Financial Company, LLC v. Currenex, Inc., No. 1:21-cv-6598

Dear Judge Kaplan:

We write on behalf of Plaintiffs regarding two of the Court's ECF docket notices dated January 7, 2022. This is intended to satisfy the request for evidence of "opposing party's written consent or the Court's leave" as requested therein.

First, regarding ECF No. 41, our amended complaint, the docket entry was deemed deficient for failure to indicate the authorization for our amendment. The Court recognized Plaintiffs' right to "elect to amend the complaint" in its August 25 order. ECF No. 14, at 2. Therein, the Court left it to the parties to negotiate a schedule for doing so. Defendants' written consent for the timing of our amendment is seen in a second stipulation, filed on November 18. ECF No. 40, at 2. Though the Court has not signed that stipulation and so the *other* deadlines in the *second* stipulation may still be subject to Court approval, we respectfully submit the record is clear that both the Court and Defendants have recognized Plaintiffs' right to file an amended complaint. For the Court's convenience and per the docket-entry request, we attach both prior stipulations hereto.

Second, regarding ECF No. 42, our requested summons, the docket entry was deemed deficient because the caption on the proposed summons did not match the caption on the operative (original) complaint. We thus presume that once the amended complaint is accepted, the case caption would be updated, and thus the proposed summons would be accepted as well. But if we are mistaken and there is something else we need to do, please let us know.

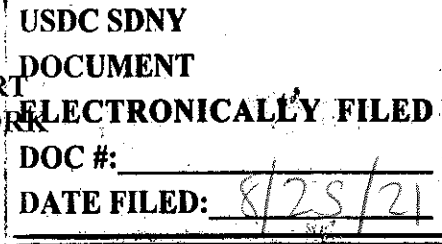
Respectfully submitted,



Jeremy D. Andersen
Counsel for Plaintiffs

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



EDMAR FINANCIAL COMPANY, LLC, and
IRISH BLUE & GOLD, INC.,

Plaintiffs,

v.

CURRENEX, INC., GOLDMAN SACHS & CO.
LLC, HC TECHNOLOGIES, LLC, STATE
STREET BANK AND TRUST COMPANY, and
JOHN DOE DEFENDANTS 1-5,

Defendants,

Case No. 1:21-CV-06598

CLASS ACTION

JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
TIME TO RESPOND TO THE
COMPLAINT AND THE BRIEFING
SCHEDULE

WHEREAS, on August 4, 2021, Plaintiffs Edmar Financial Company, LLC and Irish Blue & Gold, Inc. (together, "Plaintiffs") filed a putative class action complaint (the "Complaint") alleging claims covering conduct dating back to 2005 against defendants Currenex, Inc., Goldman Sachs & Co. LLC, HC Technologies, LLC, State Street Bank and Trust Company, and John Doe Defendants 1-5 (collectively, "Defendants") (Dkt. No. 1);

WHEREAS, defendants Currenex, Inc., Goldman Sachs & Co. LLC, and State Street Bank and Trust Company have each been served with the Summons and Complaint in this action, and defendant HC Technologies, LLC disputes that it has been served but has agreed to waive service of the Summons and Complaint;

WHEREAS, on account of the various methods of service referenced immediately above, the Defendants currently have multiple, different deadlines for filing a motion to dismiss or responsive pleading;

WHEREAS, the parties have agreed to a schedule whereby each of the Defendants shall operate pursuant to a common schedule for briefing of motions to dismiss the Complaint, which will enable all parties to most efficiently prepare their brief(s) in connection with the motions, and the Court to most efficiently consider and decide them;

WHEREAS, there has been no prior request for an extension of any deadline in this action;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel for the signatory parties, subject to the Court's approval, that:

1. Defendants shall each answer, move to dismiss or otherwise respond to the Complaint by October 13, 2021. If one or more Defendants moves to dismiss the Complaint, Plaintiffs shall file their opposition by December 17, 2021. Defendants shall file their reply or replies by January 28, 2022.

2. If Plaintiffs elect to amend the Complaint in response to the filing of any motion(s) to dismiss, they shall notify Defendants no later than November 12, 2021. At that point, the parties shall meet and confer in good faith with regard to a new schedule in this action.

3. Nothing in this stipulation prevents any party from seeking further extensions on the consent of the parties or from the Court.

4. This stipulation may be executed in counterparts.

Dated: August 24, 2021
New York, New York

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

/s/ Daniel L. Brockett

Daniel L. Brockett
Steig D. Olson
Christopher M. Seek
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
Email: danbrockett@quinnemanuel.com
Email: steigolson@quinnemanuel.com
Email: christopherseek@quinnemanuel.com

Jeremy D. Andersen (*pro hac vice*
pending)
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100
Email: jeremyandersen@quinnemanuel.com

RUDDY GREGORY, PLLC
Mark Ruddy
1225 15th Street NW
Washington, DC 20005
Telephone: (202) 797-0762
Facsimile: (202) 318-0543
Email: rnruddy@ruddylaw.com

*Counsel for Plaintiffs and the Proposed
Class*

ROPES & GRAY LLP

/s/ Gregg L. Weiner

Gregg L. Weiner
Alexander B. Simkin
1211 Avenue of the Americas
New York, New York 10036
Telephone: (212) 596-5000
Facsimile: (212) 596-9090
Email: gregg.weiner@ropesgray.com
Email: alexander.simkin@ropesgray.com

Robert G. Jones (*pro hac vice* motion
forthcoming)
800 Boylston Street
Boston, Massachusetts 02199
Telephone: (617) 951 7000
Facsimile: (617) 951 7050
Email: robert.jones@ropesgray.com

Samer Musallam (*pro hac vice* motion
forthcoming)
2099 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 508-4600
Facsimile: (202) 508-4650
Email: samer.musallam@ropesgray.com

*Counsel for Defendants Currenex, Inc. and
State Street Bank and Trust Company*

KATTEN MUCHIN ROSENMAN LLP

/s/ Peter G. Wilson

Peter G. Wilson

Christian T. Kemnitz

Elliott M. Bacon

525 W Monroe Street

Chicago, IL 60661

Telephone: (312) 902-5200

Email: peter.wilson@katten.com

Email: christian.kemnitz@katten.com

Email: elliot.bacon@katten.com

Counsel for Defendant HC Technologies, LLC

CLEARY GOTTlieb STEEN &
HAMILTON LLP

/s/ Carmine D. Boccuzzi Jr.

Carmine D. Boccuzzi Jr.

Rishi N. Zutshi

One Liberty Plaza, 1 Liberty Plaza

New York, NY 10006

Telephone: (212) 225-2000

Email: cboccuzzi@cgsh.com

Email: rzutshi@cgsh.com

*Counsel for Defendant Goldman Sachs & Co.
LLC*

I, Gregg L. Weiner, am the ECF user whose username and password are being used to file this JOINT STIPULATION AND [PROPOSED] ORDER REGARDING TIME TO RESPOND TO THE COMPLAINT AND THE BRIEFING SCHEDULE. I hereby represent that all signatories to this document have concurred in this filing.

Dated: August 24, 2021
New York, New York

ROPES & GRAY LLP

/s/ Gregg L. Weiner

Gregg L. Weiner

* * *

ORDER

IT IS SO ORDERED.

DATED: 8/25/2021 _____

/s/ Lewis A. Kaplan /BT

THE HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE

EXHIBIT 2

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EDMAR FINANCIAL COMPANY, LLC, and IRISH
BLUE & GOLD, INC.,

Plaintiffs,

Case No. 1:21-cv-6598

vs.

CURRENEX, INC., GOLDMAN SACHS & CO.
LLC, HC TECHNOLOGIES, LLC, STATE STREET
BANK AND TRUST COMPANY, and JOHN DOE
DEFENDANTS 1-5,

Defendants.

**JOINT STIPULATION AND [PROPOSED] ORDER RE: SCHEDULE FOR FILING
THE AMENDED COMPLAINT AND MEMORANDA OF LAW REGARDING
MOTION TO DISMISS**

1. WHEREAS, on August 4, 2021, Plaintiffs Edmar Financial Company, LLC and Irish Blue & Gold, Inc. (together, “Plaintiffs”) filed their class action complaint (Dkt. No. 1) against Defendants Currenex, Inc., Goldman Sachs & Co. LLC, HC Technologies, LLC, State Street Bank and Trust Company, and John Doe Defendants 1-5 (collectively, “Defendants”);

2. WHEREAS, on August 25, 2021, the Court ordered—pursuant to the parties’ stipulation—that Defendants were to file their motion to dismiss by October 13, 2021, and that Plaintiffs had the option to elect to amend the Complaint by November 12, 2021, and then to meet and confer in good faith with regard to a new schedule (Dkt. No. 14); and

3. WHEREAS, on October 13, 2021, Defendants filed their motion to dismiss (Dkt. No. 33); and

4. WHEREAS, Plaintiffs exercised their option to elect to amend the Complaint on November 12, 2021, and the parties met and conferred regarding a new schedule.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Plaintiffs must file their amended complaint by January 6, 2022.
2. Defendants must file any motions to dismiss by February 25, 2022.
3. Plaintiffs must file their oppositions to any motions to dismiss by April 8, 2022.
4. Defendants must file their reply to Plaintiffs' opposition by May 6, 2022.
5. Nothing in this stipulation prevents any party from seeking further extensions on the consent of the parties or from the Court.
6. Nothing in this order is intended to curtail the rights under the Federal Rules that might otherwise exist absent this agreement.

IT IS SO ORDERED.

DATED: _____

THE HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE

DATED: New York, New York
November 18, 2021

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

/s/ Daniel L. Brockett

Daniel L. Brockett
Steig D. Olson
Christopher M. Seck
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Fax: (212) 849-7100
danbrockett@quinnemanuel.com
steigolson@quinnemanuel.com
christopherseck@quinnemanuel.com

Jeremy D. Andersen (*pro hac vice*)
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
Telephone: (213) 443-3000
Fax: (213) 443-3100
jeremyandersen@quinnemanuel.com

RUDDY GREGORY, PLLC

Mark Ruddy
1225 15th Street NW
Washington, DC 20005
Telephone: (202) 797-0762
Fax: (202) 318-0543
mruddy@ruddylaw.com

*Counsel for Plaintiffs and the Proposed
Class*

ROPES & GRAY LLP

/s/ Gregg L. Weiner

Gregg L. Weiner
Alexander B. Simkin
1211 Avenue of the Americas
New York, NY 10036
Telephone: (212) 596-5000
Fax: (212) 596-9090
gregg.weiner@ropesgray.com
alexander.simkin@ropesgray.com

Robert G. Jones
800 Boylston Street
Boston, MA 02199
Telephone: (617) 951-7000
Fax: (617) 951-7050
robert.jones@ropesgray.com

Samer Musallam
2099 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 508-4600
Fax: (202) 508-4650
samer.musallam@ropesgray.com

*Counsel for Defendants Currenex, Inc. and
State Street Bank and Trust Company*

KATTEN MUCHIN ROSENMAN LLP

/s/ Peter G. Wilson

Peter G. Wilson
Christian T. Kemnitz
Elliot M. Bacon
525 W. Monroe Street
Chicago, IL 60661
Telephone: (312) 902-5200
peter.wilson@katten.com
christian.kemnitz@katten.com
elliott.bacon@katten.com

*Counsel for Defendant HC
Technologies, LLC*

CLEARY GOTTlieb STEEN & HAMILTON
LLP

/s/ Carmine D. Boccuzzi Jr.

Carmine D. Boccuzzi Jr.
Rishi N. Zutshi
One Liberty Plaza, 1 Liberty Plaza
New York, NY 10006
Telephone: (212) 225-2000
cboccuzzi@cgsh.com
rzutshi@cgsh.com

*Counsel for Defendant Goldman Sachs & Co.
LLC*